

**FILED**

**NOT FOR PUBLICATION**

**JUN 14 2007**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS  
FILED  
Clerk  
District Court**

**JUL 11 2007**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC JOHN TUDELA MAFNAS,

Defendant - Appellant.

No. 06-10138

D.C. No. CR-04-00038-1-ARM

MEMORANDUM\*

**For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)**

Appeal from the United States District Court  
for the Northern Mariana Islands  
Alex R. Munson, Chief District Judge, Presiding

Submitted June 4, 2007\*\*  
Honolulu, Hawaii

Before: THOMPSON, BERZON, and TALLMAN, Circuit Judges.

There was no double jeopardy. Mafnas received credit for the time he served in prison during the post-verdict, pre-sentencing period. *See* 18 U.S.C. § 3585(b)(1). So, the disturbing allegations concerning the conditions at the

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Guam prison notwithstanding, the post-verdict, pre-sentence detention was *part of* rather than *in addition to* the 235-month sentence he received as a result of his conviction. There was therefore no double punishment for a single crime to justify dismissal of the indictment, *see North Carolina v. Pearce*, 395 U.S. 711, 717 (1969), *overruled on other grounds by Alabama v. Smith*, 490 U.S. 794, 795 (1989), and the conviction is

**AFFIRMED.**

A TRUE COPY  
CATHY A. CATTERSON  
CLERK OF COURT  
ATTEST

JUL - 6 2007

by:

Deputy Clerk